

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 331 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.

IQBAL TARMAHAMMAD ISMAIL SIDDA

Versus

KANU MENSIBHAI KOLI

Appearance:

MR AMAR D MITHANI for Petitioner

RULE SERVED for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 22/06/98

ORAL JUDGEMENT

The respondents though served have neither appeared in person nor filed their appearance through Advocates.

The petitioner, original claimant , has filed this application with a request to transfer Claim Case No.723/96 pending before the M.A.C.T. Ahmedabad to the M.A.C.Tribunal, Junagadh. It is the case of the

petitioner that the petitioner sustained serious injuries due to the vehicular accident took place on 7-9-1994. The petitioner was hospitalised when the Claim Petition was filed. The petitioner has stated that he is residing within the jurisdiction of Junagadh Motor Accidents claim Tribunal and respondents Nos.1 and 2 i.e. the driver and the owner of the vehicle involved in the accident also reside in Junagadh district. The petitioner has therefore prayed that it would be more easy and more convenient to the petitioner as well as respondents Nos.2 and 3 to attend the proceedings at Junagadh if the said proceedings are ordered to be transferred at Junagadh from Ahmedabad. Moreover one of the branches of respondent No.3 is also situated in Junagadh. Therefore, in view of the amendment of Section 166(2) of the Motor Vehicles Act whereby it is provided that every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides. In view of this provision, I am of the opinion that it would not only be in the interest of justice but it would be convenient to all the parties to have the claim petition tried and disposed of by the M.A.C.Tribunal, Junagadh.

In the result, this application is allowed. The Claim Case No.723/96 pending before the Motor Accident Claims Tribunal, Ahmedabad is ordered to be transferred to the Motor Accident Claims Tribunal, Junagadh. Office is directed to send writ of this order to both the Courts i.e. at Ahmedabad and Junagadh. Rule is made absolute to the aforesaid extent with no order as to costs.

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